Calendar No. 549

101ST CONGRESS
2d Session

SENATE

REPORT
101-290

AMENDING THE NATIONAL TRAILS SYSTEM ACT BY DESIGNATING THE JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL, AND FOR OTHER PURPOSES

MAY 15 (legislative day, APRIL 18), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1159]

The Committee on Energy and Natural Resources to which was referred the Act (H.R. 1159) to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

On page 2, line 14, strike "Interior." and insert in lieu thereof, "Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Juan Bautista de Anza National Historic Trail without the consent of the owner thereof.".

PURPOSE OF THE MEASURE

The purpose of H.R. 1159, as ordered reported, is to designate the 1,200 mile Juan Bautista de Anza National Historic Trail in Arizona and California as a component of the National Trails System.

BACKGROUND AND NEED

In the mid-1700's Spain, which had already explored Central America, began to explore "Alta California"—what is now the State of California. Specifically, the Spanish Government sought new, strategically placed harbors and outposts to provide for the

39-010

S313-13

protection of Spanish ships bringing back treasure from the Philippines.

In 1769, Captain Gaspan de Portola and Father Junipero Serra led an expedition heading north from Baja California. That July, they discovered San Diego Bay and established the first California mission, San Diego de Alcala. Later that year, in October, the expedition reached Monterey and in December discovered San Francisco Bay—which seagoing explorers had missed for over a century. The Spaniards established a mission and a presidio in Monterey. Over the next few years, three additional missions and another presidio were established between San Diego Bay and San Francisco Bay. These outposts, however, were entirely dependent upon outside supplies for their survival. Because of the difficult currents and prevailing winds along the California coast, a dependable overland supply route from the Mexican State of Sonora became essential for the survival of the outposts.

In 1774, Captain Juan Bautista de Anza and Father Francisco Garces left the Spanish outpost of Tubac, in what is now southern Arizona, in an attempt to establish such a trail. The expedition consisted of 20 soldiers, servants and a herd of cattle and pack animals. They headed north, to the northernmost Spanish outpost, the San Xavier del Bac mission near what is now the city of Tucson. They continued north until encountering the Gila River. From there, they followed the river westward until reaching the confluence of the Gila and Colorado Rivers, the present California—Arizona border. After almost running out of food and water, the group finally found a mountain pass leading to coastal California. On March 22, 1774, the de Anza expedition arrived at the San Gabriel mission, the present site of the city of Los Angeles. By this time, the route from the mission to the San Francisco Bay had become well established (the El Camino Real route) and the overland trail had been established.

In 1775, de Anza led another expedition, from northern Mexico, to establish a village, presidio and mission on San Francisco Bay. That expedition was much larger, with 30 families, 10 soldiers, 115 children and over 1,000 cattle and horses. The party arrived in Monterey in February of 1776, after traveling nearly 2,000 miles. Although de Anza had intended to settle near the San Francisco Bay, the Spanish Comandante of California had decided that the area was not suitable for settlement. De Anza returned to Mexico the next month. Later that year, the Comandante reversed his decision, and allowed the families at Monterey to settle by the bay, thus establishing the first settlement at San Francisco.

Public Law 98-11 directed the National Park Service to study the Juan Bautista de Anza National Historic Trail to determine the feasibility and desireability of designating it as a component of the National Trails System. The Park Service has determined that the de Anza Trail is of national significance and is eligible for inclusion within the trails system.

Legislative History

H.R. 1159 passed the House of Representatives by a voice vote on March 6, 1990. Senator Cranston introduced similar legislation in

the Senate, S. 465. The Subcommittee on Public Lands, National Parks and Forests held a hearing on both H.R. 1159 and S. 465 on March 28, 1990.

At the business meeting on April 25, 1990, the Committee on Energy and Natural Resources ordered H.R. 1159, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on April 25, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 1159, if amended as described herein.

The roll call vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS—

Mr. Johnston
Mr. Bumpers [1]
Mr. Ford
Mr. Metzenbaum [1]
Mr. Bradley [1]
Mr. Bingaman [1]
Mr. Wirth
Mr. Conrad [1]
Mr. Heflin [1]
Mr. Rockefeller [1]
Mr. McClure
Mr. Hatfield [1]
Mr. Domenici
Mr. Wallop
Mr. Murkowski
Mr. Nickles
Mr. Burns
Mr. Garn
Mr. McConnell

NAYS—

[1] Indicates Voted By Proxy

Committee Amendment

During the consideration of H.R. 1159, the Committee adopted an amendment providing that lands or interests therein outside of federally administered areas may be acquired by the Federal Government for the Juan Bautista de Anza National Historical Trail on a willing seller basis only. The Committee notes that this same limitation on Federal land acquisition authority has been included for the last five trails added to the National Trails System.

Section-by-Section Analysis

Section 1 amends section 5(a) of the National Trails System Act to designate the Juan Bautista de Anza National Historic Trail as a component of the National Trails System.

The de Anza Trail is defined as the approximately 1,200 mile route traveled by Captain de Anza in 1775 and 1776, beginning in Sonora, Mexico, and continuing through Arizona and California to

its termination near San Francisco. The specific trail route is depicted on a map in the 1986 Department of the Interior eligibility and feasibility study. The Federal Government is authorized to acquire lands or interests therein for the trail outside of federally administered areas only with the consent of the owner.

Section 2 amends section 10(c)(2) of the National Trails System Act to authorize the appropriation of such sums as may be necessary for trails designated as components of the National Trails System in section 5(a).

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, May 1, 1990.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 1159, the Juan Bautista de Anza National Historic Trail Act, as ordered reported by the Senate Committee on Energy and Natural Resources on April 25, 1990. We estimate that enactment of H.R. 1159 would cost the federal government approximately $150,000 in fiscal years 1991 and 1992, assuming appropriation of the necessary sums.

H.R. 1159 would add the Juan Bautista de Anza National Historic Trail to the National Trails System administered by the National Park Service (NPS). The legislation would also amend the National Trail System Act generally to authorize the appropriation of whatever sums are necessary for expenses incurred once a trail is designated as part of the system. As provided in that act, such expenses usually result from planning, acquisition, development, and operating activities.

Based on information obtained from the NPS, CBO estimates that the federal government would need to spend about $150,000 to complete a management plan for the new unit and purchase appropriate trail markers. Assuming that H.R. 1159 is enacted in fiscal year 1990, the $150,000 would be spent during 1991 and 1992. Because it is expected that the trail would continue to be owned and operated by a nonfederal organization, no significant federal expenditures are estimated to be necessary for acquisition, development, or administration.

Enactment of this legislation would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

Robert D. Reischauer,
Director.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the folllowing evaluation of the regulatory impact which would be incurred in carrying out H.R. 1159. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1159, as reported.

Executive Communications

On March 9, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of Interior and the Office of Management and Budget setting forth executive views on H.R. 1159. These reports had not been received at the time the report was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the subcommittee hearing follows:

Statement of James M. Ridenour, Director, National Park Service, Department of the Interior

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on this legislation.

We recommend the enactment of either S. 465 or H.R. 1159.

S. 465 would designate as a component of the National Trails System the 1,200-mile overland route travelled by Captain Juan Bautista de Anza of Spain during 1775 and 1776 from Sonora, Mexico through Arizona to the vicinity of San Francisco, California. H.R. 1159, which passed the House of Representatives on March 6, is an identical bill, except that it uses different language to authorize appropriations. The effect of the language is the same in both bills, however.

Section 205(c)(2) of the National Trails System Act Amendments of 1983 (P.L. 98-11, approved March 28, 1983), amended section 5(c) of the National Trails System Act to designate the Juan Bautista de Anza Trail for study. Under the direction of the Western Regional Office of the National Park Service, the study was completed in August 1986. Following its review within the Executive Branch, the study was submitted to the Congress by former Secretary of the Interior Hodel, together with draft legislation, on September 17, 1987. Secretary Hodel recommended that the trail is suitable for designation by the Congress as a national historic trail. S. 465 and H.R. 1159 would carry out the Department's 1987 recommendation.

On October 23, 1775, de Anza left Tubac, in Sonora, Mexico, with an expedition to establish presidio in the newly discovered bay of San Francisco. Here was to be the northern anchor of Spanish King Charles III in the New Spain. With de Anza were 30 families, 10 veteran Tubac soldiers, 115 children, 695 horses and mules, and 35 head of cattle.

On November 28, the party reached Yuma, where they crossed the Colorado River with the assistance of the friendly Yuma Indians. Thereafter they survived periods of scarce water, cold, and the loss of most of the cattle until December 26, when the colonists reached fertile land near San Gabriel. The expedition proceeded up the coast of California, arriving at the presidio in Monterey on March 10, 1776. On June 27, the colonists reached the site near San Francisco Bay where they began the tasks of building the mission, the presidio, and their new homes.

The National Park System Advisory Board found that the de Anza Trail is of national significance and eligible for addition to the National Trails System as a national historic trail.

The study report prepared by the National Park Service contained six alternatives. The preferred alternative was designation of a national historic trail and the use of volunteer organizations to assist in the coordination and information functions; the preferred alternative would also relay on volunteers for raising funds for local interpretive projects and for any right-of-way acquisition.

During the study very substantial public interest was expressed in combining a volunteer project with the designation of a national historic trail. The project would consist of a privately established de Anza Trail Association to coordinate activities, finance the placement of markers, and promote public understanding of the de Anza expedition and the Spanish colonial period.

Under the preferred alternative, Federal costs would be minimal, principally confined to permitting volunteers to use Federal facilities, equipment, and supplies and technical assistance and advice.

Under the National Trails System Act, the administering agency is required to develop a comprehensive management plan for the trail within 2 years after it is designated as a component of the System. This management plan is estimated to cost $100,000. The plan would identify high-value historic segments and high-value historic sites along the trail. Other than minimal annual costs of coordinating and assisting volunteers, which is already authorized under section 11 of the Trails System Act, the cost of preparing the management plan and the costs of providing standard markers ($30,000) are the only significant Federal expense associated with H.R. 1159 of S. 465 that we forsee at this time.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes the following changes in existing law made by the Act as reported (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law to which no change is proposed is shown in roman).

NATIONAL TRAILS SYSTEM ACT

AN ACT To establish a national trails system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Trails System Act".

* * * * * * * *

NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

SEC. 5. (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

* * * * * * * *

(17) The Juan Bautista de Anza National Historic Trail, a trial comprising the overland route traveled by Captain Juan Bautista de Anza of Spain during the years 1775 and 1776 from Sonora, Mexico, to the vicinity of San Francisco, California, of approximately 1,200 miles through Arizona and California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) entitled "Juan Bautista de Anza National Trail Study, Feasibility Study and Environmental Assessment" and dated August 1986. A map generally depicting the trail shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Juan Bautista de Anza National Historic Trail without the consent of the owner thereof. In implementing this paragraph, the Secretary shall encourage volunteer trail groups to participate in the development and maintenance of the trail.

* * * * * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. (a)(1) * * *

* * * * * * *

(c)(1) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a) (3), (4), (5), (6), (7), (8), (9), and (10): *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1978: *And provided further*, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continential Divide National Scenic Trail, the North Country National Scenic Trail, The Ice Age National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail, except that funds may be expended for the acquisition of lands or interests therein for the purpose of providing for one trail interpretation site, as described in section 7(c), along with such trail in each State crossed by the trail.

(2) [There is hereby authorized to be appropriated for fiscal year 1983 and subsequent fiscal years such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs (9), (10), (11), (12), (13), (15), and (16) of section 5(a) of this Act.] *Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).* Not more than $500,000 may be appropriated for the purposes of acquisition of land and interests for the trail designated by section 5(a)(12) of this Act, and not more than $2,000,000 may be appropriated for the purposes of the development of such trail. The administering agency for the trial shall encourage volunteer trail groups to participate in the development of the trail.

○